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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,654

02/18/2004

William Chen

CHEN3629/EM

8927

23364

7590

06/15/2005

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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,654

Applicant(s)

CHEN ET AL.

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 1804.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities: Applicant recites, "The cover plate further comprises a switch hole for first switch running through". Grammatically this limitation is difficult to understand. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,607,041)

Suzuki discloses the claimed invention except for the recitation of a display for displaying the power shortage of the battery by illuminating a certain amount of lamps on the device. Suzuki discloses a shell body having a first shell (3) member and a second shell member extending outwards for a length from said first shell member (3a); an electric motor mounted inside said first shell member (22); a tool holding mechanism powered by said electric motor and mounted on said first shell member for holding a tool (2a); a lamp assembly mounted on said first shell member (36, 39a, 39b) and having at least two independent lamps for projecting the light on said tool held by said

Art Unit: 2875

tool holding mechanism, the projection of the light being within a predetermined range around said tool (inherently the LED's will emit light within a predetermined range subsequently projecting light on the tool, even if not directly onto the tool); a battery pack (122) detachably connected to said second shell member for supplying electricity for said electric motor and said lamps; a first switch for controlling said battery pack to supply electricity for said lamps(40); a power detective circuit for detecting power storage of said battery pack(col. 27, lines 60-66) said power detective circuit having a detection outcome output end electrically connected with said lamps (col. 27, lines 49-59, col. 28 lines 41-44) when the voltage of the battery has been detected to be below a certain range, the device emits an alarm and flashes a selected LED's a number of times) .

- With regards to the power storage display is represented by the number of lamps illuminated, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a number of lamps illuminated to represent the power storage since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. With regards to a second switch for controlling the display of the power storage of the battery pack, Suzuki discloses an automatic function of the power tool to detect the remaining power/voltage capacity of the battery pack that provides an alarm and light display alerting the user to the power status of the battery pack, inherently a second switching

means must be provided to the power tool to provide and indicating function as to the status of the battery pack.

- With regards to a second shell member comprises an opening; said lamp assembly comprises a base plate and five LED lamps, said base plate being mounted inside said second shell member to expose said lamps outside said opening of said second shell member. Suzuki discloses a second shell member (3a) and a base plate, 36, having two LED lamps; the base plate is mounted inside the second shell to expose the lamps outside the opening of the second shell member. With regards to there being 5 LED lamps, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have 5 LED's in the device of Suzuki since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.
- With regards to the first and second switches being mounted on said base plate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the first and second switches on the base plate, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

***Allowable Subject Matter***

3. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not teach the following limitations:

- A cover plate connected to the second shell member to seal the opening, the cover plate having at least two through holes in corresponding position respectively to the lamps

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800